

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

BRIAN BELL,

Plaintiff,

v.

O'REILLY AUTO ENTERPRISES, LLC, d/b/a
O'REILLY AUTO PARTS,

Defendant.

CIVIL ACTION: 1:16-cv-00501-JDL

**DEFENDANT'S MOTION FOR APPROVAL OF BOND AND
STAY OF PROCEEDING TO ENFORCE JUDGMENT**

NOW COMES the Defendant, O'Reilly Auto Enterprises, LLC d/b/a O'Reilly Auto Parts (hereinafter "O'Reilly"), and moves:

- Pursuant to Local Rule 65.1 for approval of the bond filed herewith; and
- Pursuant to Federal Rule of Civil Procedure 62(b) for a stay of proceedings to enforce the judgment.

As the grounds for this motion, O'Reilly states:

1. Federal Rule of Civil Procedure 62(b) provides:

At any time after judgment is entered, a party may obtain a stay by providing a bond or other security. The stay takes effect when the court approves the bond or other security and remains in effect for the time specified in the bond or other security

2. Local Rule 65.1 provides:

A bond or other security staying execution of a money judgment shall be in the amount of the judgment plus ten percent (10%) of the amount to cover interest and any award of damages for delay plus five hundred dollars (\$500) to cover costs, unless the Court directs otherwise.

3. The total amount of the judgment is \$867,000. This consists of:

- \$42,000 in back pay
- \$75,000 in compensatory damages, and
- \$750,000 in punitive damages

4. Accordingly, the amount of the bond required to stay execution of the money judgment is \$954,200 (\$867,000 + \$86,700 + \$500).

5. O'Reilly has secured a bond, a true copy of which is attached hereto, in the amount of \$954,200, conditioned on the satisfaction of the judgment in full, together with costs, interest, and damages for delay, if the appeal is finally dismissed or if the judgment is affirmed, or satisfaction in full of the judgment as modified, together with costs, interest, and damages as the Court of Appeals may adjudge and award.¹

¹ Also attached is a true copy of a Power of Attorney which authorizes the execution of the bond on behalf of the Surety, Travelers Casualty and Surety Company of America.

WHEREFORE, O'Reilly requests that the Court approve the attached bond and stay execution of the judgment against it, until the pending appeal is decided or otherwise resolved.

DATED at Portland, Maine this 29th day of September, 2022.

/s/ Christopher C. Taintor

Christopher C. Taintor, Esq.

*Attorney for Defendant O'Reilly Auto
Enterprises, LLC, d/b/a O'Reilly Auto
Parts*

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UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

Certificate of Service

I certify that on September 29, 2022, I made service of the foregoing document via the Court's electronic filing system on all counsel of record below.

/s/ Christopher C. Taintor
Christopher C. Taintor, Esq.
*Attorney for Defendant O'Reilly Auto
Enterprises, LLC, d/b/a O'Reilly Auto Parts*

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